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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

DEAN, RAYMOND S

ART UNIT

PAPER NUMBER

2684

DATE MAILED: 08/02/2004

5

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/867,837

Applicant(s)

LEE, MAN WEI

Examiner

Raymond S Dean

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 14 - 23 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 14 - 23 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see amendment filed May 28, 2004 with respect to the rejection(s) of claim(s) 1 – 4, 6 – 8, and 10 – 12 under 35 U.S.C. 102(e) as being anticipated by Sassi and claims 5, 9, and 13 under 35 U.S.C. 103(a) as being unpatentable over Sassi in view of Fuhrmann have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of an updated search.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 14, 16 – 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ausems et al. (US 6,434,403) in view of Pallakoff (US 2002/0151283) and in further view of Claxton et al. (US 6,434,404).

Regarding Claim 14, Ausems teaches a portable, electronic device comprising: a main body with a top face (Figures 1a – 1d, Column 3 lines 5 – 8); input means on the main body for a user to activate different operation modes (Column 3 lines 8 – 14,

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Column 3 lines 65 – 67, Column 4 lines 1 – 5, Column 4 lines 29 – 33, there is a phone mode and a PDA mode); at least one display panel located on the top face (Figure 1d, Column 4 lines 20 - 21), the display panel being associated with different operation modes and capable of displaying information (Column 3 lines 8 – 14, Column 3 lines 65 – 67, Column 4 lines 1 – 5, Column 4 lines 20 – 21, Column 4 lines 29 – 33); a cover attached to the main body so as to overlay the top face, the cover being provided with a viewing portion (Figures 1a – 1d, Column 3 lines 25 – 35), wherein the cover is pivotably movable between an open position, in which said at least one display is fully exposed, and a closed position, in which at least one said display panel is visible through the viewing portion (Figures 1a – 1d, Column 3 lines 25 – 35, Column 3 lines 50 – 57).

Ausems does not at least two separate display panels and substantially concealing at least one other display panel

Pallakoff teaches at least two separate display panels and substantially concealing at least one other display panel (Figures 2a – 2c, Section 0038 lines 1 – 3).

Ausems and Pallakoff both teach a portable electronic multimedia device with at least one display thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the two displays taught in Pallakoff in the portable device of Ausems for the purpose of enabling a user to comfortably access and view large video images, office documents, and other high resolution content as taught by Pallakoff.

Ausems in view of Pallakoff does not teach a removable cover.

Claxton teaches a removable cover (Column 3 lines 57 – 59).

Ausems in view of Pallakoff and Claxton teach a portable electronic device that is a PDA and wireless phone with a flip cover thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the removable cover taught in Claxton in the portable device of Ausems in view of Pallakoff for the purpose of enabling a user of said portable device to have an unencumbered full view of the telephone and PDA functions thus allowing said user to easily access said functions as taught by Claxton.

Regarding Claim 16, Ausems in view of Pallakoff and in further view of Claxton teaches all of the claimed limitations recited in Claim 14. Ausems further teaches wherein the viewing portion is a transparent portion in the cover (Column 3 lines 32 – 35).

Regarding Claim 17, Ausems in view of Pallakoff and in further view of Claxton teaches all of the claimed limitations recited in Claim 14. Pallakoff further teaches means for separately powering up each display panel when the operation mode associated with each display panel is activated (Section 0015 lines 27 – 34, the operation modes are near-to-eye and direct view).

Regarding Claim 18, Ausems in view of Pallakoff and in further view of Claxton teaches all of the claimed limitations recited in Claim 14. Claxton further teaches wherein the cover is removably attached to the main body by a hinge system (Column 3 lines 57 – 59).

Regarding Claim 19, Ausems in view of Pallakoff and in further view of Claxton teaches all of the claimed limitations recited in Claim 18. Ausems further teaches a detent mechanism for locking the cover in a certain position, whereby the cover is prevented from inadvertently closing or opening (Column 3 lines 25 – 35, Column 3 lines 50 – 57, the cover can remain closed to protect the display and said cover can act as a stand to support the main body thus there is an inherent detent mechanism that allows said cover to remain closed to protect said display and to act as a stand to support said main body).

Regarding Claim 20, Ausems in view of Pallakoff and in further view of Claxton teaches all of the claimed limitations recited in Claim 14. Ausems further teaches wherein a first display panel is provided, the first display panel being associated with a mobile phone mode and a Personal Digital Assistant (PDA) mode (Column 3 lines 8 – 14, Column 3 lines 65 – 67, Column 4 lines 1 – 5, Column 4 lines 20 – 21, Column 4 lines 29 – 33), and when the cover is in the closed position, the first display panel is visible through the viewing portion (Column 3 lines 25 – 35). Pallakoff further teaches a second display panel (Figures 2a – 2c, Section 0038 lines 1 – 3).

4. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ausems et al. (US 6,434,403) in view of Pallakoff (US 2002/0151283) in further view of Claxton et al. (US 6,434,404) as applied to claim 14 above, and in further view of Park et al. (US 6,731,753)

Regarding Claim 15, Ausems in view of Pallakoff and in further view of Claxton teaches all of the claimed limitations recited in Claim 14. Ausems in view of Pallakoff and in further view of Claxton does not teach wherein the viewing portion is a cut out portion in the cover.

Park teaches a viewing portion that is a cut out portion (Figure 8, Column 4 lines 53 – 56, the window (60) is the cut out portion).

Ausems in view of Pallakoff and in further view of Claxton and Park teach a portable electronic device that is a PDA and wireless phone with a flip cover thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to make a design preference and use the cut out portion taught in Park in the portable device of Ausems in view of Pallakoff and in further view of Claxton for the as an alternative means for enabling a user of said portable device to view information relevant to a phone call as taught by Park.

5. Claims 21 – 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ausems et al. (US 6,434,403) in view of Pallakoff (US 2002/0151283) and in further view of Inoue et al. (US 6,643,529).

Regarding Claim 21, Ausems teaches a portable, electronic device comprising: a main body with a top face (Figures 1a – 1d, Column 3 lines 5 – 8); at least one display panel located on the top face (Figure 1d, Column 4 lines 20 - 21), the display panel being associated with different operation modes and capable of displaying information (Column 3 lines 8 – 14, Column 3 lines 65 – 67, Column 4 lines 1 – 5, Column 4 lines

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20 – 21, Column 4 lines 29 – 33); input means on the main body for a user to activate different operation modes (Column 3 lines 8 – 14, Column 3 lines 65 – 67, Column 4 lines 1 – 5, Column 4 lines 29 – 33, there is a phone mode and a PDA mode); a cover mounted on the top face so that the cover can be rotated from a closed position, in which the cover substantially conceals at least one display panel, to an open position, in which said at least one display panel is revealed (Figures 1a – 1d).

Ausems does not at least two separate display panels.

Pallakoff teaches at least two separate display panels (Figures 2a – 2c, Section 0038 lines 1 – 3).

Ausems and Pallakoff both teach a portable electronic multimedia device with at least one display thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the two displays taught in Pallakoff in the portable device of Ausems for the purpose of enabling a user to comfortably access and view large video images, office documents, and other high resolution content as taught by Pallakoff.

Ausems in view of Pallakoff does not teach a sliding cover.

Inoue teaches a sliding cover (Figures 1a – 1c, Column lines 54 – 56).

Ausems in view of Pallakoff and Inoue teach a portable radio device with a cover thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to make a design preference and use the sliding cover taught in Inoue in the portable radio device of Ausems in view of Pallakoff as an alternative

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means for providing a small size during carriage and protection of the displays as taught by Inoue.

Regarding Claim 22, Ausems in view of Pallakoff and in further view of Inoue teaches all of the claimed limitations recited in Claim 21. Pallakoff further teaches means for separately powering up each display panel when the operation mode associated with each display panel is activated (Section 0015 lines 27 – 34, the operation modes are near-to-eye and direct view).

Regarding Claim 23, Ausems in view of Pallakoff and in further view of Inoue teaches all of the claimed limitations recited in Claim 21. Ausems further teaches wherein a first display panel is provided, the first display panel being associated with a mobile phone mode and a Personal Digital Assistant (PDA) mode (Column 3 lines 8 – 14, Column 3 lines 65 – 67, Column 4 lines 1 – 5, Column 4 lines 20 – 21, Column 4 lines 29 – 33), and when the cover is in the closed position, the first display panel is visible through the viewing portion (Column 3 lines 25 – 35). Pallakoff further teaches a second display panel (Figures 2a – 2c, Section 0038 lines 1 – 3).

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raymond S Dean whose telephone number is 703-305-8998. The examiner can normally be reached on 7:00-3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay A Maung can be reached on 703-308-7745. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


NAY MAUNG

SUPERVISORY PATENT EXAMINER


Raymond S. Dean
July 21, 2004